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**SCHIFF HARDIN LLP**

PATENT DEPARTMENT  
6600 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606

In re application of: Patrick Mergell

ATTY. DOCKET: P03,0380

Serial No.: 10/675,303

GROUP ART UNIT: 2615

Filed: September 30, 2003

EXAMINER: W. Briney III

For: DEVICE AND METHOD TO ADAPT A HEARING  
DEVICE

CONFIRMATION NO.: 5358

**Mail Stop AF**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450  
SIR:

**AMENDMENT B AFTER FINAL  
(Resubmitted – Response to Notice of NonCompliance)**

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	* 12	MINUS	**20	X	( ) X 25.00 ( ) X 50.00	
INDEP. CLAIMS	* 4	MINUS	4	X	( ) X 100.00 ( ) X 200.00	
Application amended to contain any multiple dependent claims not previously paid for.				( ) YES ( ) NO	( ) \$180.00 ( ) \$360.00 ONE TIME	
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$0.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

- ☐ Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated \_\_\_\_ for \_\_\_\_ months so that the period for response is extended to \_\_\_\_\_. A check in the amount of \$\_\_\_\_\_ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ is attached.
- ☐ A check for \$\_\_\_\_\_ accompanying IDS under 37 CFR 1.97(c) is attached
- ☐ A check for \$\_\_\_\_\_ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.
- When phoning re this application, please call (312) 258-5781.

**SCHIFF HARDIN LLP (Customer Number: 26574)**

Patent Department

BY Mark Bergner (45,877)  
Mark Bergner – Attorney for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on January 25, 2007

Mark Bergner

Response under 37 CFR §1.116 **expedited procedure** . Examining Group: 2615 (MPEP 714.13)

Appl. No. 10/675,303

Reply to Office Action of September 6, 2006  
and Notice of Noncompliant Amendment of  
January 4, 2007



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**AMENDMENT B  
AFTER FINAL**

**(RESUBMITTED – RESPONSE TO NOTICE OF NONCOMPLIANCE)**

APPLICANT: Patrick Mergell                      DOCKET NO: P03,0380  
SERIAL NO.: 10/675,303                      ART UNIT: 2615  
  
FILED: September 30, 2003                      EXAMINER: Briney III, Walter F.  
  
CONF. NO.: 5358  
TITLE: Device and Method to Adapt a Hearing Device

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Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

This paper is a response to the Notice of Non-Compliant Amendment (NNCA) mailed January 4, 2007. In the NNCA, claims 1 and 7 were indicated as having incorrect status designations—namely, that claim amendments had been made, but that these claims were designated as “previously presented”. This Resubmitted Amendment provides the correct designation of these claims as being “currently amended”, but in all other ways is identical to Amendment B previously filed.

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In response to the Office Action dated September 6, 2006 ("OA"), please

amend the above-identified application as follows.

Response under 37 CFR §1.116 expedited procedure . Examining Group: 2615 (MPEP 714.13)

Appl. No. 10/675,303

Reply to Office Action of September 6, 2006  
and Notice of Noncompliant Amendment of  
January 4, 2007

**Amendments to the Claims** are reflected in the listing of claims which  
begins on page 3 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.